

California Regional Water Quality Control Board  
North Coast Region

Order No.R1-2001-##\*  
NPDES Permit No. CA0023078  
I.D. No. 1B84083OMEN

WASTE DISCHARGE REQUIREMENTS

FOR

FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1  
WASTEWATER TREATMENT FACILITY

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Fort Bragg Municipal Improvement District No. 1 (hereinafter permittee) submitted a Report of Waste Discharge dated January 20, 2000 and applied for renewal of its Permit to discharge treated municipal wastewater under the National Pollutant Discharge Elimination System (NPDES) from the City of Fort Bragg wastewater treatment facility (WWTF). Supplemental information to complete filing of the application was submitted on February 29, 2000, March 7, 2000, April 4, 2000, September 15, 2000, October 2, 2000, October 13, 2000, and October 26, 2000. The term of this Permit is five years.
2. Municipal wastewater from the City of Fort Bragg is treated by grit removal, comminution, primary clarification, two-stage biofiltration, secondary clarification, and chlorination. The WWTF is designed to treat 1.0 million gallons of wastewater per day (mgd) dry weather flow. Wastewater flows vary from approximately 0.4 mgd during dry weather to a maximum of 4.9 mgd during prolonged heavy rainfall. After treatment, wastewater is discharged to the Pacific Ocean at 39° 26' 20" north, 123° 48' 48" west via a 650-foot outfall with a diffuser system designed to produce 50:1 initial dilution at peak flow conditions.
3. This WWTF is a major discharger as defined by the U.S. Environmental Protection Agency (U.S. EPA).
4. The Water Quality Control Plan for the North Coast Region (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies.

The Water Quality Control Plan for Ocean Waters of California establishes beneficial uses and water quality objectives for waters of the Pacific Ocean adjacent to the California Coast outside of enclosed bays, estuaries, and coastal lagoons.

5. The permittee has storm water discharges associated with industrial activities, category "ix" as defined in 40 CFR Section 122.26(b)(14). The permittee described storm water discharges, appropriate Pollution Prevention Practices and Best Management Practices (BMPs) in a completed Notice of Intent dated June 1, 1992 and submitted it to the State Water Resources Control Board (State Water Board) pursuant to the Statewide General Permit Program.
6. The permittee has prepared a Storm Water Pollution Prevention Plan (SWPP Plan) and has implemented the provisions of the SWPP Plan. The SWPP Plan includes source identification, practices to reduce or eliminate pollutant discharge to storm water, an assessment of potential pollutant sources, a materials inventory, a preventative maintenance program, spill prevention and response procedures, general storm water management practices, employee training, recordkeeping, and elimination of nonstorm water discharges to the storm water system. It also includes a storm water monitoring plan to verify the effectiveness of the SWPP Plan.
7. Storm water discharges are best regulated in conjunction with the terms of the State Water Board's General Industrial Storm Water Permit. The permittee has been issued a Statewide General Permit Order No. 97-03-DWQ (NPDES No. CAS000001), WDID No. 1B23S005627.
8. The existing and potential beneficial uses of the Pacific Ocean at Fort Bragg include:
  - a. industrial service supply
  - b. navigation
  - c. water contact recreation
  - d. noncontact water recreation
  - e. commercial and sport fishing
  - f. preservation of rare and endangered species
  - g. marine habitat
  - h. migration of aquatic organisms
  - i. spawning, reproduction, and/or early development
  - j. shellfish harvesting
  - k. mariculture
9. Effluent limitations and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the Clean Water Act and amendments thereto are applicable to the permittee.
10. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The impact on existing water quality will be insignificant.
11. The permittee is presently governed by Waste Discharge Requirements Order No. 95-47, adopted by the Regional Water Board on June 22, 1995. The Regional Water Board adopted Cease and Desist Order No. 98-126 on December 10, 1998. The permittee complied with Order No. 98-126 by submitting a required report on February 26, 1999.

12. This action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA), Public Resources Code Section 21100, et seq., in accordance with Section 13389 of the California Water Code (CWC). In addition, this action is exempt from CEQA pursuant to Title 14, California Code of Regulations (CCR), Section 15301, as an activity involving the permitting of an existing facility that involves negligible or no expansion of an existing use.
13. This Permit includes interim effluent limitations for suspended solids and BOD5 that are consistently achievable through operation and maintenance of the existing trickling filter providing treatment equivalent to secondary treatment, pursuant to 40 CFR 133.105. The interim limitations for suspended solids are consistent with the more stringent Ocean Plan Table A requirement for percent removal. These interim limitations will be in effect until WWTF improvements are completed pursuant to Cease and Desist Order No. R1-2001-23. The interim effluent limitations are less stringent than those in effect in the previous permit, Order No. 95-47. The interim effluent limitations are consistent with the exception to the antibacksliding provision of section 402(o) of the Clean Water Act contained in 40 CFR 122.44(l)(2)(i)(E). Once the WWTF improvements are completed, the permit will be reopened to add final effluent limitations that are consistent with proper operation and maintenance of the WWTF improvements.
14. Certain constituents contained in Table B of the Ocean Plan have been deleted from **B. EFFLUENT LIMITATIONS 1** (Table B) because the Regional Water Board believes that there is no reasonable potential that these constituents will cause, or contribute, to violations of water quality objectives. In the event that monitoring results or other evidence reveals that any of the deleted constituents have a reasonable potential to cause or contribute to violations of water quality objectives, the Regional Water Board may consider revising this Permit to include effluent limitations for constituents of concern.
15. The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
16. The Regional Water Board, in a public meeting on March 22, 2001, heard and considered all comments pertaining to the discharge.
17. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, and amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 95-47 is rescinded and the permittee, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

## A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Permit is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC is prohibited. [Health and Safety Code, Section 5411]
3. The discharge of sludge or digester supernatant is prohibited, except as authorized under **D. SOLIDS DISPOSAL**.
4. The discharge of untreated waste from anywhere within the collection, treatment, or disposal facility is prohibited.
5. The discharge of waste to land that is not under the control of the permittee is prohibited, except as authorized under **D. SOLIDS DISPOSAL**.
6. The mean daily dry weather flow to the WWTF shall not exceed 1.0 mgd averaged over a period of thirty days.
7. Total flow to the WWTF shall not exceed 66 million gallons within any period of 30 consecutive days.

## B. EFFLUENT LIMITATIONS

1. Wastes discharged to the Pacific Ocean shall not contain constituents in excess of the following limits (Table A and Table B constituents are as described and defined in the California Ocean Plan, adopted on July 23, 1997):

**TABLE A**

<u>Constituent</u>	<u>Units</u>	<u>30-Day<sup>a</sup> Average</u>	<u>7-Day<sup>b</sup> Average</u>	<u>Daily Maximum</u>
BOD5 <sup>c</sup>	mg/l	45	65	--
dry weather <sup>d</sup>	lb/day	375	542	--
wet weather <sup>e</sup>	lb/day	825	1193	--
Suspended Solids	mg/l	45	65	--
dry weather <sup>d</sup>	lb/day	375	542	--
wet weather <sup>e</sup>	lb/day	825	1193	--
Settleable Solids	ml/l	0.1	--	0.2
Turbidity	NTU	75	100	225
Hydrogen Ion	pH	within limits of 6.0 to 9.0 at all times		
Grease and Oil	mg/l	25	40	75
Acute Toxicity	Tua <sup>f</sup>	1.5	2.0	2.5
Total Coliform	MPN/100 ml	70 <sup>g</sup>		230 <sup>h</sup>

a The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days

b The arithmetic mean of the value for effluent samples collected in a period of 7 consecutive days

c 5-day Biochemical Oxygen Demand

d Dry Weather mass emission rate limits shall apply when mean effluent flows over the specified time period are less than 1 million gallons per day

e Wet Weather mass emission rate limits shall apply when mean effluent flows over the specified time period exceed 1 million gallons per day

- f Toxic Units Acute (TUa) = 100/96-hr LC 50 percent where LC 50 percent (percent waste giving 50 percent survival of test organisms) shall be determined by static or continuous flow bioassay techniques using standard test species. If specific identifiable substances in wastewater can be demonstrated by the permittee as being rapidly rendered harmless upon discharge to the marine environment, but not as a result of dilution, the LC 50 percent may be determined after the test samples are adjusted to remove the influence of those substances.
- When it is not possible to measure the 96-hour LC 50 percent due to greater than 50 percent survival of the test species in 100 percent waste, the toxicity concentration shall be calculated by the expression:  $TUa = [\log (100-S)]/1.7$  where S = percentage survival in 100 percent waste. If S>99, TUa shall be reported as zero.
- g median
- h no more than ten percent of samples collected within a period of 30 consecutive days shall exceed this value

**TABLE B**

<u>Constituent</u>	<u>Units</u>	<u>6-Month Median</u>	<u>Daily Maximum</u>	<u>Instantaneous Maximum</u>
Chronic Toxicity	Tuc <sup>1</sup>	--	50	--
Radioactivity	(not to exceed limits specified in Title 17, CCR, Section 30269)			

- a Chronic Toxicity (Tuc) = 100/NOEL where NOEL (No Observed Effect Level) is expressed as the maximum percent effluent in receiving water that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test listed in Appendix II of the California Ocean Plan.

**TABLE B**

(Limiting Concentrations expressed as milligrams per liter)

<u>Constituent</u>	<u>6-Month Median</u>	<u>30-day Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Maximum</u>
Acrolein	--	11	--	--
Acrylonitrile	--	0.005	--	--
Aldrin	--	0.0000011	--	--
Ammonia	30	--	120	300
Antimony	--	61	--	--
Benzene	--	0.6	--	--
Benzidine	--	0.0000035	--	--
Beryllium	--	0.0017	--	--
bis(2-chloroethoxy)methane	--	0.22	--	--
bis(2-chloroethyl)ether	--	0.0023	--	--
bis(2-ethylhexyl)phthalate	--	0.18	--	--
Cadmium	0.05	--	0.2	0.5
Carbon Tetrachloride	--	0.045	--	--
Chlordane <sup>a</sup>	--	0.0000012	--	--
Chlorinated Phenolics	0.05	--	0.2	0.5
Chlorine Residual (total)	0.1	--	0.4	3
Chromium (hexavalent) <sup>b</sup>	0.1	--	0.4	1
Copper	0.053	--	0.51	1.4
Cyanide <sup>c</sup>	0.05	--	0.2	0.5
DDT <sup>d</sup>	--	0.0000085	--	--

<u>Constituent</u>	<u>6-Month Median</u>	<u>30-day Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Maximum</u>
3,3'-dichlorobenzidine	--	0.00041	--	--
Dieldrin	--	0.000002	--	--
2,4-dinitrophenol	--	0.2	--	--
2,4-dinitrotoluene	--	0.13	--	--
1,2-diphenylhydrazine	--	0.008	--	--
Endosulfan	0.00045	--	0.0009	0.0014
Endrin	0.0001	--	0.0002	0.0003
Fluoranthene	--	0.75	--	--

- a The sum of chlordane-alpha, chlordane-gamma, chlordene-alpha, chlordene-gamma, nonachlor-alpha, nonachlor-gamma, and oxychlordane.
- b Permittees may at their option meet this limitation as a total chromium limitation
- c If a permittee can demonstrate to the satisfaction of the Regional Water Board (subject to USEPA approval) that an analytical method is available to reliably distinguish between strongly and weakly complexed cyanide, effluent limitations for cyanide may be met by the combined measurement of free cyanide, simple alkali metal cyanides, and weakly complexed organometallic cyanide complexes. In order for the analytical method to be acceptable, the recovery of free cyanide from metal complexes shall be comparable to that achieved by Standard Methods 412F, G, and H (Current Edition of Standard Methods for the Examination of Water and Wastewater. Joint Editorial Board, American Public Health Association, American Water Works Association, and Water Pollution Control Federation).
- d the sum of 4,4'DDT, 2,4'DDT, 4,4'DDE, 2,4'DDE, 4,4'DDD, and 2,4'DDD.

<u>Constituent</u>	<u>6-Month Median</u>	<u>30-day Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Maximum</u>
HCH <sup>e</sup>	0.0002	--	0.0004	0.0006
Heptachlor <sup>f</sup>	--	0.000036	--	--
Hexachlorobenzene	--	0.000011	--	--
Hexachlorobutadiene	--	0.7	--	--
Hexachloroethane	--	0.13	--	--
Lead	0.1	--	0.4	1
Mercury	0.002	--	0.008	0.02
Nickel	0.25	--	1.0	2.5
Nitrobenzene	--	0.25	--	--
N-nitrosodimethylamine	--	0.37	--	--
N-nitrosodiphenylamine	--	0.13	--	--
PAHs <sup>g</sup>	--	0.00044	--	--
PCBs <sup>h</sup>	--	0.000001	--	--
Silver	0.028	--	0.13	0.35
TCDD equivalents <sup>i</sup>	--	0.0000000002	--	--
Thallium	--	0.71	--	--
Toxaphene	--	0.000011	--	--
Tributyltin	--	0.00007	--	--
2,4,6-trichlorophenol	--	0.008	--	--
Zinc	0.62	--	3.7	9.8

- e the sum of alpha, beta, gamma (lindane), and delta isomers of hexachlorocyclohexane.
- f the sum of heptachlor and heptachlor epoxide.
- g the sum of acenaphthylene, anthracene, 1,2-benzanthracene, 3,4-benzofluoranthene, benzo[k]fluoranthene, 1,12-benzoperylene, benzo[a]pyrene, chrysene, dibenzo[ah]anthracene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, and pyrene.
- h the sum of chlorinated biphenyls whose analytical characteristics resemble those of Arochlor-1016, Arochlor-1221, Arochlor-1232, Arochlor-1242, Arochlor-1248, Arochlor-1254, and Arochlor-1260.
- i the sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective toxicity factors as shown below:

<u>Isomer Group</u>	<u>Toxicity Factor</u>
2,3,7,8-tetra CDD	1.0
2,3,7,8-penta CDD plus 2,3,4,7,8-penta CDF	0.5
2,3,7,8-hexa CDDs plus 2,3,7,8-tetra CDF plus 2,3,7,8-hexa CDFs	0.1
1,2,3,7,8-penta CDF	0.05
2,3,7,8-hepta CDD plus 2,3,7,8-hepta CDFs	0.01
octa CDD plus octa CDF	0.001

2. Mass emission rates, expressed in pounds per day, for any Table B constituent shall not exceed 8.34 times the product of the concentration specified above and the effluent flow, expressed in millions of gallons per day. The six-month median limit on daily mass emissions shall be determined using the six-month median effluent concentration and the mean flow rate over the six month period. The daily maximum mass emission shall be determined using the daily maximum effluent concentration limit and the observed flow rate on the day the sample was collected.
3. The arithmetic mean of the BOD values by weight for final effluent samples in a period of 30 consecutive days shall not exceed 35 percent of the arithmetic mean of the values, by weight, for influent samples collected at approximately the same times during the same period (65 percent removal). Percent removal shall be determined from the 30-day average value of raw wastewater BOD concentration in comparison to the 30-day average value of effluent BOD concentration for the same time period.
4. The arithmetic mean of the suspended solids values by weight for final effluent samples in a period of 30 consecutive days shall not exceed 25 percent of the arithmetic mean of the values, by weight, for influent samples collected at approximately the same times during the same period (75 percent removal). Percent removal shall be determined from the 30-day average value of raw wastewater suspended solids concentration in comparison to the 30-day average value of effluent suspended solids concentration for the same time period.
5. Storm water discharges permitted by this Order shall be managed by implementation of the SWPPP (Plan) and BMPs described in Findings 5 and 6 of this Order and as updated by the permittee to reflect changed conditions at this facility.

### **C. RECEIVING WATER LIMITATIONS**

The discharge of waste shall not cause the following water quality objectives to be violated upon completion of initial dilution:

1. Bacterial Characteristics
  - a. Body-Contact Standards

Within a zone bounded by the shoreline and a distance of 1000 feet from the shoreline or the 30-foot depth contour, whichever is further from the

shoreline, and in areas outside this zone used for body-contact sports, as determined by the Regional Water Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:

- i. Samples of water from each sampling station shall have a density of total coliform organisms of less than 1,000 per 100 mL (10 per mL); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 mL (10 per mL), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 mL (100 per mL).
- ii. The fecal coliform density based on a minimum of five samples for any 30-day period shall not exceed a log mean of 200 per 100 mL nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 mL.
- iii. The geometric mean enterococcus density shall not exceed 24 organisms per 100 mL for a 30-day period or 12 organisms per 100 mL for a six-month period. The geometric mean shall be a moving average based on no fewer than 5 samples per month evenly spaced over the time interval.

b. Shellfish Harvesting Standards

The following bacteriological objectives shall be maintained throughout the water column: In any 30-day period, the medial total coliform concentration shall not exceed 70 per 100 mL, and not more than 10 percent of the samples shall exceed 230 per 100 mL.

2. Physical Characteristics

- a. Floating particulates and grease and oil shall not be visible.
- b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.
- c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.
- d. The rate of deposition of inert solids in the ocean sediments shall not be changed such that benthic communities are degraded.

3. Chemical Characteristics

- a. The dissolved oxygen concentration shall not at any time be depressed more than ten percent from that which occurs naturally as a result of the discharge of oxygen-demanding waste materials.
- b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.



- c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.
- d. The concentration of substances set forth in Table B of Effluent Limitation B.1. in marine sediments shall not be increased to levels that would degrade indigenous biota.
- e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.
- f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

4. Biological Characteristics

- a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
- b. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.
- c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5. General Standards

- a. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act and regulations adopted thereunder.
- b. The discharge shall be essentially free of:
  - i. Material that is floatable or will become floatable upon discharge.
  - ii. Settleable material or substances that may form sediments which will degrade benthic communities or other aquatic life.
  - iii. Substances which will accumulate to toxic levels in marine waters, sediments, or biota.
  - iv. Substances that significantly decrease natural light to benthic communities and other marine life.
  - v. Materials that result in aesthetically undesirable discoloration of the ocean surface.
- c. Waste shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.

- d. The discharge shall be such that, in the view of oceanographic characteristics and current patterns:
  - i. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.
  - ii. Natural water quality conditions are not altered in areas designated as being of special biological significance.
  - iii. Maximum protection is provided to the marine environment.
  - iv. The discharge does not adversely affect recreational beneficial uses such as surfing and beach walking.
- e. The discharge shall not interfere with the attainment or maintenance of that water quality which ensures the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife and allows recreational activities in and on the water.

#### **D. SOLIDS DISPOSAL**

- 1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed at a legal point of disposal and in accordance with the State Water Board promulgated provisions of Title 27, Division 2, of the CCR.
- 2. The permittee is encouraged to comply with the State guidance manual issued by the Department of Health Services titled "Manual of Good Practice for Landspreading of Sewage Sludge".
- 3. Any proposed change in sludge use or a disposal practice from a previously approved practice shall be reported to the Regional Water Board Executive Officer (Executive Officer) at least 90 days in advance of the change.
- 4. Use and disposal of sewage sludge shall comply with existing federal and state laws and regulations, including permitting requirements and technical standards contained in 40 CFR 503.
- 5. By February 28 of each year, the permittee shall submit a sludge disposal plan describing the volume of sludge generated by the facility during the preceding calendar year, specifying the disposal practices used, and projecting sludge disposal practices for the present year.

#### **E. GENERAL PROVISIONS**

- 1. Duty to Comply

The permittee shall comply with all of the conditions of this Permit. Any Permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action;

for Permit termination, revocation and reissuance, or modification; or denial of a Permit renewal application. [40 CFR 122.41(a)]

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

2. Duty to Reapply

This Permit expires on March 22, 2006. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee shall apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, CCR must be received by the Regional Water Board no later than September 22, 2005. [40 CFR 122.41(b)] The Regional Administrator of the U.S. EPA may grant permission to submit an application at a later date prior to the Permit expiration date, and the Regional Administrator of the U.S. EPA may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the Permit expiration date. [40 CFR 122.21(d)(2)]

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41(c)]

4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

5. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 122.41(e)]

6. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Permit; or
- b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified. [40 CFR 122.44(b)]

The filing of a request by the permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Permit condition. [40 CFR 122.41(f)]

7. Property Rights

This Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. [40 CFR 122.41(g)]

8. Duty to Provide Information

The permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information that the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40 CFR 122.41(h)]

The permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or other authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records are kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any locations. [40 CFR 122.41(i)]

10. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually, to ensure their continued accuracy.
- c. Records of monitoring information shall include:
  - i. The date, exact place, and time of sampling or measurements;
  - ii. The individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The individual(s) who performed the analyses;
  - v. The analytical techniques or methods used; and
  - vi. The results of such analyses.
  - vii. The method detection limit (MDL); and
  - viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).

- d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses must be conducted according to test procedures under 40 CFR Part 136 unless other test procedures have been specified in this Permit or approved by the Executive Officer. Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Executive Officer. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

11. Signatory Requirements

- a. All Permit applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by either a principal executive officer or ranking elected official. [40 CFR 122.22(a)]
- b. Reports required by this Permit; other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:
  - i. The authorization is made in writing by a person described in paragraph (a) of this provision;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
  - iii. The written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

12. Reporting Requirements

- a. Planned changes: The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:
  - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the Permit nor the notification requirements under Provision 12 (g).
- b. Anticipated noncompliance: The permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with Permit requirements.
- c. Transfers: This Permit is not transferable.
- d. Definitions: The following definitions shall apply unless otherwise specified in this Permit;
  - i. "Daily discharge" means the discharge of a pollutant measured during a calendar day of any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" shall be the concentrations of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during the sampling day.
  - ii. "Daily average" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
  - iii. "Daily Maximum" discharge limitation means that highest allowable "daily discharge" during the calendar month.
- e. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. The permittee shall submit an annual report to the Regional Water Board such that the report is received by February 28 of each year. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Permit. If the permittee monitors any pollutant more frequently than required by this Permit, using test procedures approved under

40 CFR Part 136 or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

- f. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be received by the Regional Water Board no later than 14 days following each scheduled date.
- g. Noncompliance reporting: The permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause and the period of noncompliance, including exact dates and times. If the noncompliance has not been corrected, the description shall include the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The following events shall be reported orally as soon as the permittee becomes aware of the circumstances, and the written report shall be provided to the Regional Water Board such that it is received within ten days of that time:

- i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in the Permit;
- ii. Any upset that exceeds any effluent limitation in the Permit;
- iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit; and
- iv. Any noncompliance that may endanger health or the environment;

The Executive Officer may waive the above-required written report.

- h. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or in any report to the Regional Water Board, the permittee shall promptly submit such facts or information.  
[40 CFR 122.41(1)]

13. Bypass

a. Definitions:

- i. "Bypass" [as defined in 40 CFR 122.41(m)] is the intentional diversion of waste streams from any portion of a treatment facility.
- ii. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that reasonably can be expected to occur in the absence of a



bypass. Severe property damage does not mean economic loss caused by delays in production.

- b. Bypass not exceeding limitations: The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of (c) and (d) below.
- c. Notice:
  - i. Anticipated bypass: If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.
  - ii. Unanticipated bypass: The permittee shall submit notice of an unanticipated bypass as required in Section F, Paragraph 12 (g) of this permit.
- d. Prohibition of bypass:
  - i. Bypass is prohibited, and the Executive Officer may take enforcement action against a permittee for bypass, unless:
    - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
    - 3) The permittee submitted notices as required under Section F, Paragraph 13(c) of this Permit.
  - ii. The Executive Officer may approve an anticipated bypass, after considering its adverse effects, if the Executive Officer determines that it will meet the three conditions listed in Section F, Paragraph 13(d)(i) above.

14. Upset:

- a. Definition: "Upset" [as defined in 40 CFR 122.41(n)] is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based Permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- b. Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based Permit effluent limitations if the requirements of (c), below, are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset: A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
  - i. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - ii. The permitted facility was at the time being properly operated; and
  - iii. The permittee submitted notice of the upset as required in Section F, Paragraph 12 (g) of this Permit.
  - iv. The permittee complied with any remedial measures required under Section F, Paragraph 4 of this Permit.
- d. Burden of proof: In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Enforcement

The Clean Water Act provides that any person who violates a Permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

16. Availability

A copy of this Permit shall be maintained at the discharge facility and be available at all times to operating personnel.

17. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376] A material change includes, but is not limited to, the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste;
- b. Significant change in disposal method, (e.g., change from a land disposal to a direct discharge to water), or change in the method of treatment that would significantly alter the characteristics of the waste;
- c. Significant change in the disposal area, (e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area) that potentially causes different water quality or nuisance problems; and
- d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

18. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

19. Monitoring

The Regional Water Board or State Water Board may require the permittee to establish and maintain records; make reports; install, use, and maintain monitoring equipment or methods (including, where appropriate, biological monitoring methods); sample effluent as prescribed; and provide other information as may be reasonably required. [CWC Section 13267 and 13383]

The permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2001-##\* and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The permittee shall file with the Regional Water Board technical reports on self-monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the permittee, analyses performed by a noncertified laboratory will be accepted, provided a quality assurance/quality control program is instituted by the laboratory and a manual containing the steps followed in this program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program must conform to U.S. EPA or State Department of Health Services guidelines.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board  
North Coast Region  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

U.S. EPA, Region 9  
Attn: WTR-7, NPDES/DMR  
75 Hawthorne Street  
San Francisco, CA 94105

20. National Pretreatment Standards: Prohibited Discharges

- a. General prohibitions. Pollutants introduced into WWTFs by a nondomestic source shall not pass through [40 CFR403.3(n)] the WWTF or interfere [40 CFR 403.3(i)] with the operation or performance of the works. These general prohibitions and the specific prohibitions in paragraph (b) of this provision apply to all nondomestic sources introducing pollutants into a WWTF whether or not the source is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.
- b. Specific prohibitions. In addition, the following pollutants shall not be introduced into a WWTF:
  - i. Pollutants that create a fire or explosion hazard in the WWTF;
  - ii. Pollutants that will cause corrosive structural damage to the WWTF, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
  - iii. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the WWTF resulting in interference;
  - iv. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the WWTF; and
  - v. Heat in amounts that will inhibit biological activity in the WWTF resulting in interference, but in no case heat in such quantities that causes the temperature at the WWTF to exceed 40° C (104°F), unless the Regional Water Board, upon request of the permittee, approves alternate temperature limits;
  - vi. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - vii. Pollutants that result in the presence of toxic gases, vapors, or fumes within the WWTF in a quantity that may cause acute worker health and safety problems; and

- viii. Any trucked or hauled pollutant, except at discharge points designated by the permittee.
- c. When specific limits must be developed by a permittee:
  - i. Permittees developing WWTF Pretreatment Programs pursuant to 40 CFR 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a) and (b) of this provision;
  - ii. All permittees shall, in cases where pollutants contributed by User(s) result in interference or pass-through and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s) and all other users, as appropriate, that, together with appropriate changes in the WWTF's facilities or operations, are necessary to ensure renewed and continued compliance with the permittee's NPDES Permit or sludge use or disposal practices; and
  - iii. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
- d. Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a permittee in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Clean Water Act. [40 CFR 403.5(a) through (d)]

21. Operator Certification

Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23, CCR, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified WWTF operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where water reclamation is involved.

22. Adequate Capacity

Whenever a publicly owned WWTF will reach capacity within four years, the permittee shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. The permittee shall demonstrate that adequate steps are being taken to address the capacity problem. The permittee shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity or how capacity will be increased, within 120 days after providing notification to the Regional Water Board or within 120 days after receipt of Regional Water Board notification that the WWTF will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Water Board itself. [CCR Title 23, Section 2232]

23. Toxicity Reduction Evaluations

The permittee shall conduct a toxicity reduction evaluation (TRE) if the discharge consistently exceeds an acute or chronic toxicity effluent limitation. Once the source of toxicity is identified, the permittee shall take all reasonable steps necessary to reduce toxicity to the required level.

24. Reopener

The Regional Water Board may modify or revoke and reissue this Order and Permit if present or future investigations demonstrate that the permittee governed by this Order is causing, or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on April 26, 2001.

---

Lee A. Michlin  
Executive Officer

\* Number will be issued when adopted

(fbpermit)